REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present response is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-13 and 23-29 and 31 are pending in this application. Claims 1, 23 and 32 are amended hereby. Claims 33-36 are new. Support can be found throughout the specification, exemplary portions of which are given below.

II. TELEPHONIC INTERVIEW RECORD AND COMMENTS THEREON

Applicants thank the Examiner and the Supervisory Examiner in this case with Applicants' representatives Brian M. McGuire and Vivek Shankam on April 19, 2010; the present supplemental amendment is submitted within two weeks of the interview. While agreement was not reached, the present supplemental amendment incorporates the suggestions of the Examiners, including portions of the specification evidencing the unexpected results of the presently claimed invention. Applicants submit the claims of the application are presently allowable and thus respectfully request reconsideration and withdrawal of the rejections and that the application be allowed.

Claim 1 recites: "...a hydroentangling support fabric having **the mechanical properties and structural strength to reflect liquid from the hydroentangling apparatus** and comprising flat filaments, wherein said support fabric

is in a continuous loop or made endless. Claim 23 recites: "...**said hydroentangling support fabric in the hydroentangling apparatus having the mechanical properties and structural strength to reflect liquid from the hydroentangling apparatus and comprising flat filaments**, wherein said support fabric is in a continuous loop or made endless."

With respect to claim 1, as it claims the hydroentangling apparatus in combination with the hydroentangling support fabric, the Examiners suggested that if Applicants could cite evidence as to the advantages of the claimed flat filaments in hydroentangling support fabrics, Applicants would be "headed in the right direction." In the spirit of advancing prosecution, Applicants have amended the claim 23 to recite that the claimed hydroentangling support fabric "**in the hydroentangling apparatus**" from the preamble into the body of the claim, and that the fabric has **"the mechanical properties and structural strength to reflect liquid from the hydroentangling apparatus."** For evidentiary support of the unexpected advantages of the claimed flat filaments in hydroentangling support fabrics, Applicants quote the specification, which states:

> In any event, the support fabrics of the invention include flattened monofilaments. The flattened monofilaments may be all or some of the CD monofilaments, all or some of the MD monofilaments, or some combination of CD and MD monofilaments. Figures 1 and 2 serve as a comparison of a single layer weave without flattened monofilaments to a single layer weave with flattened monofilaments. As can be seen, Figure 1 shows a round MD monofilament 2 and several round CD monofilaments 4. Figure 2 shows a single round MD monofilament 6 and several flattened CD

monofilaments 8. Thus, the embodiment depicted in Figure 2 is an embodiment in which all of the CD monofilaments are flattened. The use of the flattened CD monofilaments gives the weave of Figure 2 a thickness T' that is smaller than the thickness T of the Figure 1 weave. Furthermore, the use of the flattened monofilaments makes the weave of Figure 2 more resistant to water flow in a direction perpendicular or substantially perpendicular to the plane in which the CD monofilaments lie. Shaded areas A and A' are provided merely for purposes of facilitating visual comparison.

Pages 5-6, and

The fabrics of the invention may be formed as single, double or triple layer weaves. Flattened monofilaments may be incorporated into any one layer or into any combination of layers, and in any configuration within a given layer... .[T]he fibers of the nonwoven are supported by the round monofilaments of the forming side while the flat monofilaments promote greater reflective water flow, and therefore greater reflective entanglement energy. By promoting greater reflective entanglement energy, the fabric promotes greater entanglement of the fibers making up the nonwoven, and thereby provides for a stronger finished nonwoven. That is, when water is directed at the fabric in a direction perpendicular, or substantially perpendicular to the plane in which the flattened yarns lie, some water will pass through the forming surface layer and intermediate layer, reflect off the wearside layer, and further entangle the fibers.

> ... As in the triple layer embodiment, the fibers of the nonwoven are supported by the round monofilaments of the forming side while the flat monofilaments promote greater reflective water flow, and therefore greater reflective entanglement energy.

Page 6, second and third full paragraphs. And:

> The advantages of hydroentangling according to the invention are confirmed using modified versions of the fabric of Figures 4A and 4B on a machine incorporating the structure of Figure 8. In particular, the invention reduces entangling of fibers to the fabric surface and improves reflection (or "flashback") of water jets. Furthermore, the invention improves release of the fiber web from the hydroentangling fabric after entangling and improves MD/CD tensile ratios. More specifically, tests using a machine in accordance with Figure 8 have shown that release of the fiber web from the hydroentangling fabric improves such that the draw is reduced from about 8% to 0%, and that the MD/CD ratio improvement is about 10% to 40%.

Page 8, second full paragraph. Thus, as requested by the Examiners', the specification shows the many advantages of flat filaments in hydroentangling support fabrics over that of hydroentangling support fabrics, including:

a weave thickness T' that is smaller than the thickness T, wherein T represents a thickness without said flat filaments;

a weave of more resistant to water flow in a direction perpendicular or substantially perpendicular to the plane in which a plurality of CD monofilaments lie;

structure that reduces entangling of fibers to the fabric surface;

improved MD/CD tensile ratios as compared to a fabric without said flat filaments; and

improved release of the fiber web from the hydroentangling fabric after entangling.

As discussed during the interview, in view of the many superior properties achieved by the flat filaments as compared to hydroentangling support fabrics without the flat filaments as evidenced by the specification, Applicants urge that this is an ample demonstration of the unexpected results of the claimed hydroentangling support fabric including flat filiments. See MPEP 716.02(a). In the spirit of advancing prosecution, Applicants have added new claims 34 and 36 which positively recite these advantages, although is it urged that the specification is ample evidence of the unexpected advantages discovered by the applicants, and hence supports the case for the patentability of the independent claims over the cited art.

Next, as further proof what an ordinarily skilled artisan would understand about such mechanical properties and structural strength needed to reflect jetted liquid from a hydroentangling apparatus, Applicants refer to column 2 lines 25 to column 4,line 3 of U.S. Patent 6,163,943 (the '943 patent"), incorporated by reference at paragraph 12 of the published application. The '943 patent turn refers to CA patent no 841,938 (see'943 patent at col. 3, lines 54-56). Applicants also submit U.S. 4,967,456, of record in the present application. The evidence shows that hydroentangling apparatuses "jetting

water supplied at pressures of 200 to 2000 pounds per square inch (psi)." CA 841 938. (See also US 4,967,456: "First and second stage enhancement is preferably effected by columnar fluid jets which impact the fabric at pressures within the range of 200 to 3000 psi and impart a total energy to the fabric of approximately 0.10 to 2.0 hp-hr/lb.") In the spirit of advancing prosecution, Applicants have added new claims 33 and 35 which positively recite that the water from a hydroentangling apparatus is at a pressure of at least about 200psi.

Applicants note that that as such properties are well known. As explained in the Background of '943 Patent "Hydroentangling or spunlacing is a technique introduced during the 1970'ies [sic], see e g CA patent no. 841 938." Hence there is ample support for the amendments with respect to such properties with or without incorporating the above-noted documents by reference into the present specification. (See *Falkner v. Inglis*, 79 USPQ2d 1001 (Fed. Cir. 2006), showing the recitation of known structure is not required under 112, and indeed, such recitation is disfavored: "Indeed, the forced recitation of known sequences in patent disclosures would only add unnecessary bulk to the specification. Accordingly we hold that where, as in this case, accessible literature sources clearly provided, as of the relevant date, [claimed structure], satisfaction of the written description requirement does not require either the recitation or incorporation by reference.")

III. CLAIM REJECTIONS UNDER 35 U.S.C. §§102 & 103

Claims 23, 25-27 and 31 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,857,497 to Gaisser ("Gaisser") in view of WO 01/88261 to Strandqvist

("Strandqvist"). Claims 1-2, 4, 6-8, 13, 23, 25-27 and 31 are rejected under 35 U.S.C. §102(b) or, in the alternative, over 35 U.S.C. §103 over Strandqvist in view of Gaisser. Claims 1-2, 4, 6-8, 13, 23, 25-27, and 31 are also rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,142,752 to Greenway in view of Gaisser. Finally, claims 23 and 25-27 and 31 are rejected under 35 USC § 103(a) over U.S. Patent No. 5,883,022 to Elsener ("Elsener") in view of any one of U.S. Patent No. 3,884,630 to Schwartz ("Schwartz") or U.S. Patent No. 4,104,814 to Whight ("Whight"). Applicant traverses and respectfully requests reconsideration and withdrawal of the rejections.

Claim 1 recites: "...a hydroentangling support fabric having the mechanical properties and structural strength to reflect liquid from the hydroentangling apparatus and comprising flat filaments, wherein said support fabric is in a continuous loop or made endless. Claim 23 recites: "...**said hydroentangling support fabric in the hydroentangling apparatus having the mechanical properties and structural strength to reflect liquid from the hydroentangling apparatus and comprising flat filaments**, wherein said support fabric is in a continuous loop or made endless."

With respect to claim 1, as it claims the hydroentangling apparatus in combination with the hydroentangling support fabric, the Examiners suggested that if Applicants could cite evidence as to the advantages of the claimed flat filaments in hydroentangling support fabrics, Applicants would be "headed in the right direction." In the spirit of advancing prosecution, Applicants have amended the claim 23 to recite that the claimed hydroentangling support fabric "**in the hydroentangling apparatus**" from the preamble into the body of the claim, and that the fabric has **"the mechanical properties and structural strength to reflect liquid from the hydroentangling**

apparatus." For evidentiary support of the unexpected advantages of the claimed flat filaments in hydroentangling support fabrics, Applicants refer to the quoted specification above, which shows the many advantages of flat filaments in hydroentangling support fabrics over that of hydroentangling support fabrics, including:

a weave thickness T' that is smaller than the thickness T, wherein T represents a thickness without said flat filaments;

a weave of more resistant to water flow in a direction perpendicular or substantially perpendicular to the plane in which a plurality of CD monofilaments lie;

structure that reduces entangling of fibers to the fabric surface;

improved MD/CD tensile ratios as compared to a fabric without said flat filaments; and

improved release of the fiber web from the hydroentangling fabric after entangling.

As discussed during the interview, in view of the many superior properties achieved by the flat filaments as compared to hydroentangling support fabrics without the flat filaments as evidenced by the specification, Applicants urge that this is an ample demonstration of the unexpected results of the claimed hydroentangling support fabric including flat filiments. See MPEP 716.02(a).

Claims 23, 25-27 and 31 are rejected under 35 U.S.C. §102(b) over Gaisser in view of Strandqvist. With respect to claim 23, the Office Action admits that Gassier does not disclose a hydroentangling fabric or device. Instead the Office Action alleges the recitation is an intended use, and that Gaisser's fabric is capable of being used in hydroentangling. In order to clarify that the hydroentangling support fabric is not an

intended use, but instead claims structural properties and requires a hydroentangling apparatus, the claim has been amended to recite "**said hydroentangling support fabric in the hydroentangling apparatus having the mechanical properties and structural strength to reflect liquid from the hydroentangling apparatus and comprising flat filaments.**" Thus Applicants urge the amendment obviates the rejection under 102 inasmuch as the claim requires the "**hydroentangling support fabric in the hydroentangling apparatus.**"

As to the Office Action's assertion that Strandqvist shows that Gassier can be used as a hydroentangling fabric, Applicants first note that Strandqvist's press fabric does not show the properties of Gassier's dryer fabric. The evidence is in Gassier itself.

At page 3, the Office Action again cites Strandqvist as evidence that Gaisser's dryer fabric is "inherently capable" of use as a hydroentangling support fabric. Page 4, lines 7-11 of Strandqvist, cited by the Office Action, states:

> The supporting member 12 which supports the fibre web during the hydroentanglement is constituted of a moulded, close-meshed plastic screen, for example the type disclosed in WO 92/1763 or in WO 98/35742, and which according to these documents is utilized as a ***base material*** for a ***press felt*** of a paper machine.

Emphasis added. Thus Strandqvist's support member is adopted from a base material for a press felt on a papermaking machine. On press felts, Gaisser states at column 2, lines 23-29: "These **press felt base fabrics** are preferably woven endless. Due **to quite different objectives in designing these fabrics**, none of the designs show a structurally stable weave pattern and a projected open area in the range of thirty

percent or more as in the case of the present invention." Emphasis added. Thus Gassier by its own disclosure states that press felts do not show its properties, and hence fails as support for the assertion that it does.

In response to these arguments, the Office Action at page 11 alleges that the argument is not persuasive because Gaisser's fabric is "similarly shaped." The Office Action also refers to Gaisser's "pressing function" at column 4, lines 21-29 of Gaisser. However, the pressing referred to is not that of the press section of a papermaking machine, which is what press fabrics are designed for. Gaisser states: "By contacting the paper web W, the dryer fabrics press and maintain the web in an intimate heat transfer relationship with the dryer cylinders whereby the cylinders remove water or other fluids from the web." *Id.* Thus the pressing action the Office Action refers to is pressing to create and maintain contact with a heated dryer cylinder where the heat dries the web, but not to press water from a web. (See the definition of "Press," v., used with object, at dictionary.com: 2 to move by weight or force in a certain direction or into a certain position: *The crowd pressed him into a corner.*) In contrast, in a press section and press fabric are designed to allow water to be **pressed from a web** and into the fabric without rewet, which is a wholly different function, as well as a wholly different use of the term press, even in common parlance. (See the definition of "Press," v., used with object, at dictionary.com: 8 to squeeze out or express, as juice: *to press the juice from grapes.*). That said, the references cited by the Examiner, including Gassier itself, show that to an ordinarily skilled artisan, a press fabric has a very specific meaning, even when adopting the broadest reasonable construction. As explained above , Gassier refers to press felts at column 2, lines23-29 and distinguishes them from dryer

fabrics, saying: "These **press felt base fabrics** are preferably woven endless. Due **to quite different objectives in designing these fabrics**, none of the designs show a structurally stable weave pattern and a projected open area in the range of thirty percent or more as in the case of the present invention." Emphasis added.

Thus not only are Gaisser's dryer fabrics too different from press fabrics to ascribe any inherency for hydroentangling – but Gassier expressly teaches away from such a combination even within the context of papermaking.

For these reasons, the rejections on Gassier alone or Strandqvist in view of Gaisser fails under §§ 102, 103. Applicants thus respectfully request reconsideration and withdrawal of the rejections.

Claims 1-2, 4, 6-8, 13, 23, 25-27 and 31 are rejected under 35 U.S.C. §102(b) or, in the alternative, over 35 U.S.C. §103 over Strandqvist in view of Gaisser.

As acknowledged by the Office Action at page 5, Strandqvist does not mention the use of rectangular filaments. Applicant's prior responses incorporated by reference herein, presented arguments as to the structural differences between Gaisser's papermaking dryer fabric and a hydroentangling support fabric. To review, hydroentangling and papermaking processes and devices have wholly different needs. For a non-limiting example that highlights such difference, paragraph 31 of the publication of the Specification (hereafter the Specification) states:

> The fabrics of the invention may be formed as single, double or triple layer weaves.... In such embodiment, the fibers of the nonwoven are supported by the round monofilaments of the forming side while the flat monofilaments promote **greater reflective water flow**, and therefore **greater**

> **reflective entanglement energy**, the fabric **promotes greater entanglement of the fibers making up the nonwoven, and thereby provides for a stronger finished nonwoven**. That is, when water is directed at the fabric in a direction perpendicular, or substantially perpendicular to the plane in which the flattened yarns lie, some **water will pass through the forming surface layer and intermediate layer, reflect off the wearside layer, and further entangle the fibers**. (Emphasis added)

Thus the design of the hydroentangling fabric requires, inter alia, permeability, and yet must **reflect** water from hydroentangling jets. All hydroentangling fabrics (1) have permeability and (2) reflect water at its surface and/or layers. Applicants here clarify that hydroentangling fabrics can comprise one or more layers, and may vary the areas for reflection and permeability, and indeed, one of the improvements of the present fabric with flat filaments it that it allows, in multi-layer fabrics, as explained above reflection at the wearside as well. But every fabric must have permeability and the structure to provide the appropriate reflective water flow to effect entanglement.

Gassier, on the other hand explains how its papermaking fabrics must have different structural qualities. At col. 3, lines 16-19, Gassier states:

> A fabric having increased fabric stability in the machine direction is provided yet having **a high degree of openness and permeability** in a range **greater than thirty percent** of the total fabric area.

And at col 4, lines 26-28:

> The drying process is outwardly from the heated cylinders through the paper web and through the dryer fabric. Thus

> **sufficient permeability must be had in order to facilitate drying of the fabric**.

And at Col. 6, lines 8-11:

> Increased structural stability is provided in the machine direction **without decrease in the permeability or open area** of the fabric.

And at Col. 1, lines 30-36:

> For drying purposes, the carrier fabric must have **a high degree of openness and air permeability so that sufficient air is delivered through the base fabric and the embossed layer, which is also permeable for drying**. Carrier fabric must have sufficient load bearing capability for bearing the loads in the machine direction which are the most severe.

Thus, it is clear that Gassier's highly permeable dryer fabric is in no way designed for hydroentangling. Also, as explained during the interview and shown in the references, in hydroentangling, the non-woven web is dry when on the forming fabric; thus drying and pressing are not functions reasons for a combination in hydroentangling. In particular, increasing the surface area is contrary to the need for permeability, and there is no need for reflectivity in a dryer fabric.

At page 3, the Office Action again cites Strandqvist as evidence that Gaisser's dryer fabric is "inherently capable" of use as a hydroentangling support fabric. However an ordinarily skilled artisan would understand, consistent with the showing above, that Strandqvist shows they cannot. Page 4, lines 7-11 of Strandqvist, cited by the Office Action, states:

> The supporting member 12 which supports the fibre web during the hydroentanglement is constituted of a moulded,

> close-meshed plastic screen, for example the type disclosed in WO 92/1763 or in WO 98/35742, and which according to these documents is utilized as a ***base material*** for a ***press felt*** of a paper machine.

Emphasis added. Thus Strandqvist's support member is used as a base material for a press felt on a papermaking machine. As amply explained in the prior responses, Gassier is a ***dryer fabric*** for a papermaking machine, ***not a press felt***. Press felts and dryer fabrics are not interchangeable fabrics on papermaking machines. Thus the teachings of Gassier do not say anything about Strandqvist's fabric, and hence, do not show any inherent qualities of Strandqvist's fabric. As inherency cannot rely on mere possibilities, the rejection with respect to 102 fails.

In response to these arguments, the Office Action at page 11 alleges that the argument is not persuasive because Gaisser's fabric is "similarly shaped." This argument is address above and reasserted here. Applicants again note the Gaisser itself teaches away from using dryer fabrics as press felts. On press felts, Gaisser states at column 2, lines 23-29: "These **press felt base fabrics** are preferably woven endless. Due **to quite different objectives in designing these fabrics**, none of the designs show a structurally stable weave pattern and a projected open area in the range of thirty percent or more as in the case of the present invention." Emphasis added. Thus not only are Gaisser's dryer fabrics too different from press felts to ascribe any inherency on papermaking machines – much less for hydroentangling – but Gassier expressly teaches away from such a combination even within the context of papermaking.

Finally at page 5 the Office Action asserts,

> Gaisser discloses that the support member has increased structural stability in the machine direction while still affording a high degree of permeability (column 1, lines 11-35). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the support member of Strandqvist with the support member of Gaisser, motivated by a desire to increase structural stability in the machine direction while still affording a high degree of permeability and because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability and desired characteristics.

The arguments and evidence of record show that even assuming for the sake of argument some areas of overlap, there are significant differences and structural requirements for different kinds of industrial fabrics, depending on the industrial machine upon which they are implemented. In the present case, the evidence shows that hydroentangling fabrics are not equivalent to dryer fabrics, much less "known equivalents." In order to advance prosecution, as suggested by the Examiners, Applicants have provided above the numerous advantages offered by the claimed flat filaments, which Applicants respectfully submit amply demonstrates the unexpected results of the claimed hydroentangling support fabric.

In further support, Applicants also note that the differences between dryer fabrics and hydroentangling fabrics is that the latter are typically less permeable than dryer fabrics, as amply demonstrated by the evidence of the prior responses. For example dryer fabrics generally have permeabilities in the on the order of 1000-1200cfm (see Gassier at col. 4, lines 50-54), whereas hydroentangling fabrics are less, with the

embodiments of the present application are described as being greater than 350cfm. Thus while there may putatively be some overlap between, for example, the permeabilities of such fabrics, in view of the other differing requirements of hydroentangling fabrics, such as reflection and entanglement, from dryer fabrics, Applicants again urge that the unexpected results of the claimed flat filiments evinced herein overcome any putative prima facie case under 102 or 103. See, inter alia, MPEP 2131.03: "In order to anticipate the claims, the claimed subject matter must be disclosed in the reference with "sufficient specificity to constitute an anticipation under the statute." What constitutes a "sufficient specificity" is fact dependent. If the claims are directed to a narrow range, and the reference teaches a broad range, depending on the other facts of the case, it may be reasonable to conclude that the narrow range is not disclosed with "sufficient specificity" to constitute an anticipation of the claims. See, e.g., *Atofina v. Great Lakes Chem. Corp*, 441 F.3d 991, 999, 78 USPQ2d 1417, 1423 (Fed. Cir. 2006) wherein the court held that a reference temperature range of 100-500 degrees C did not describe the claimed range of 330-450 degrees C with sufficient specificity to be anticipatory;"; See MPEP 2144.05. "Applicant can rebut a presumption of obviousness based on a claimed invention that falls within a prior art range by showing "(1) [t]hat the prior art taught away from the claimed invention...or (2) that there are new and unexpected results relative to the prior art." *Iron Grip Barbell Co., Inc. v. USA Sports, Inc.*, 392 F.3d 1317, 1322, 73 USPQ2d 1225, 1228 (Fed. Cir. 2004)."

For these reasons, the rejections on Gassier alone or Strandqvist in view of Gaisser fails under §§ 102, 103. Applicants thus respectfully request reconsideration and withdrawal of the rejections.

Claims 1-2, 4, 6-8, 13, 23, 25-27, and 31 are rejected under 35 U.S.C. § 103(a) over Greenway in view of Gassier. As shown in prior responses and above, Gassier's dryer fabric is not a hydroentangling fabric. Applicant again reincorporates and reasserts the evidence above, including the shown of unexpected advantages.

Moreover, Greenway clearly discloses the use of round wires. Thus again, a person of ordinary skill in the art would not be motivated to combine the teachings of Gassier with that of Greenway merely because Greenway discloses a hydroentangling 'module.'

Also, Table I disclosed in col. 5, lines 45-60 of Greenway and cited by the Office Action, shows the following specifications for its forming screen:

TABLE I

	Forming Screen Specifications	
Property	36 × 29 flat	16 × 14 flat
Warp wire - Polyester Round	.0157	.032
Shute wire - Polyester Round	.0157	.035
Weave type	plain mesh	plain mesh
Open area	23.7%	24.9%
Plane difference	—	.008" ± .003
Snag	light	none ± light
Weave tightness (slay)	no angular displacement	no angular displacement
Edges	filled ½" each side	filled ½" each side
Seam	invisible/endless	invisible/endless

Greenway also discloses that entangling member 44 in FIG. 4A, which is a 36x29 mesh weave having a 24% void area, is **fabricated of polyester warp and shute round wire**. (Greenway -- col. 5, lines 14-17). Therefore, Greenway discloses the use of round wires for its forming screen and there is no reason for one skilled in the art to modify the forming wire of Greenway when there is clearly no reason in Greenway to use wires of other shapes.

Moreover, throughout Gaisser, the reference states that the weave should be at least 30% open, which is why the increased stability is needed. ("A fabric having increased fabric stability in the machine direction is provided yet having a high degree of openness and permeability in a range greater than thirty percent of the total fabric area. *Gassier*, Column 3, lines 16-19). As shown throughout prosecution, this higher degree of openness is needed in dryer fabrics. Greenway, on the other hand, has weaves of less than 30%, and thus (1) Gaisser teaches they are not desirable as a dryer fabric and (2) the need for increased stability in Gaisser due to that higher degree of openness is not an issue in Greenway. . Thus while there may putatively be some overlap between, for example, the permiabilities of such fabrics, in view of the other differing requirements of hydroentangling fabrics, such as reflection and entanglement, from dryer fabrics, Applicants again urge that the unexpected results of the claimed flat filiments evinced herein overcome any putative prima facie case under 103. See MPEP 2144.05. "Applicant can rebut a presumption of obviousness based on a claimed invention that falls within a prior art range by showing "(1) [t]hat the prior art taught away from the claimed invention...or (2) that there are new and unexpected results relative to the prior art." *Iron Grip Barbell Co., Inc. v. USA Sports, Inc.*, 392 F.3d 1317, 1322, 73 USPQ2d 1225, 1228 (Fed. Cir. 2004)."

Claims 23, 25-27 and 31 were rejected under 35 USC § 103 (a) over U.S. Patent No. 5,883,022 to Elsener (hereinafter merely "Elsener") in view of any one of U.S. Patent No. 3,884,630 to Schwartz (hereinafter merely "Schwartz") or U.S. Patent No. 4,104,814 to Whight (hereinafter merely "Whight"). Applicants traverse and respectfully request reconsideration and withdrawal of the rejections.

As understood by the Applicants, Elsener is a textile fabric for use in clinical areas or clean rooms. The towel is for drying hands and skin. Specifically, Elsener discloses an absorbent fabric material of synthetic endless fibers, in particular for use in clinical areas and also clean room areas and also in company and public washrooms (Elsener -- Abstract). Therefore, Elsener has absolutely nothing to do with endless or continuous industrial process fabrics whatsoever.

As understood by the Applicants, Schwartz relates to a towel apparatus which handles an endless towel within a cabinet and subjects the same to cleaning and drying making use of a low vapor pressure chemical type solvent. (Schwartz -- Abstract)

As understood by the Applicants, Whight relates to a clean towel presenting machine, which includes an endless web of liquid absorbent material contained in a casing to discontinuously present a clean portion and simultaneously retract an essentially equal used portion through an intake slot, a cleaning liquid tank and a heater to dry and sterilize the web. (Whight -- Abstract).

In view of the extensive discussions of hydroentangling fabrics above and in prior responses, it almost goes without saying that an ordinarily skilled artisan would not look to hand towels for teachings on industrial process belts.

The Office Action regards hydroentangling as "an intended use," and thereby argues that Elsener's, Schwartz's, and Whight's towels can be used as a hydroentangling fabric. Applicants refer to Exhibits A-C, submitted in the Amendment and Response dated April 3, 2009, which discuss, in general, the type of fabrics used in a hydroentangling process. Applicants refer in particular to, for example the photographs of Figures 5-8 of Exhibit A (showing magnified photographs of 10 – 100

mesh forming belts at 50 g/m^2 and 100 g/m^2 webs) and Figures 2a to 2c of Exhibit B (showing spunlace support wire). The Exhibits show that Elsener's, Schwartz's, and Whight's hand drying towels are not hydroentangling support fabrics and such towels could in no way be used a hydroentangling fabric.

Also, Applicants have amended the claims to recite that the fabric includes "the mechanical properties and structural strength to reflect liquid from the hydroentangling apparatus." As proof as to what an ordinarily skilled artisan would understand about such mechanical properties and structural strength, Applicants again refer to column 2 lines 25 to column 4,line 3 of U.S. Patent 6,163,943 (the '943 patent"), incorporated by reference at paragraph 12 of the published application. The '943 patent turn refers to CA patent no 841,938 (see'943 patent at col. 3, lines 54-56). Applicants also submit U.S. 4,967,456. The evidence shows that hydroentangling apparatuses "jetting water supplied at pressures of 200 to 2000 pounds per square inch (psi)." CA 841 938. (See also US 4,967,456: "First and second stage enhancement is preferably effected by columnar fluid jets which impact the fabric at pressures within the range of 200 to 3000 psi and impart a total energy to the fabric of approximately 0.10 to 2.0 hp-hr/lb.") Hand towels and the like cannot stand up to such pressures.

As nothing in the art of record cures the deficiencies as against independent claims 1 and 23, Applicants urge that all the claims are in condition for allowance, and respectfully request reconsideration and withdrawal of the rejections in the present case.

IV. DEPENDENT CLAIMS

As nothing in the cited art of record cures the deficiencies of the art as applied to independent claims 1 and 23, Applicants respectfully request reconsideration and withdrawal of the rejections.

CONCLUSION

In view of the foregoing amendments and remarks, all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference, there is the basis for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, the Examiner is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: /Brian M. McGuire/
Ronald R. Santucci
Reg. No. 28,988

Brian M. McGuire
Reg. No. 55,445

Ph: (212) 588-0800
Fax: (212) 588-0500